

Mr. Quinan offered the following as an amendment to the amendment offered by the committee :

"And field notes taken from the land office for the purpose of being recorded, shall not thereby lose the right vested by their original return to the Land Office in accordance with the laws now in force." Adopted.

The amendment of the committee as amended was then adopted, and bill ordered to be engrossed.

On motion of Mr. Throckmorton, the rule was suspended, bill read 3rd time and passed.

A bill for the relief of Myram Mudgett and his assignees. Read 3rd time and passed.

A bill to authorize the county court of Collin county to levy a special tax for the erection of a court house therein. Read 1st and 2nd times and referred to the committee on Finance.

A bill to incorporate the Western Texas Life, Fire and Marine Insurance Company of the city of Indianola. Read 1st and 2nd times and referred to the committee on the Judiciary.

A bill making an appropriation for furnishing the Governor's Mansion. Read 1st and 2nd times and referred to the committee on Public Buildings.

On motion of Mr. Guinn, the Senate adjourned until Monday morning at 10 o'clock.

MONDAY, December 19, 1859

Senate met pursuant to adjournment. Prayer by the Chaplain—roll called—no quorum present.

On motion of Mr. Lott, the Senate adjourned until to-morrow morning at 10 o'clock.

TUESDAY, December 20th, 1859.

Senate met pursuant to adjournment. Prayer by the Chaplain—roll called—quorum present.

The Journal of Saturday was read and adopted.

Mr. Grimes presented the petition of H. P. Garner for relief. Referred to the committee on the Judiciary.

Mr. Harman presented the petition of sundry citizens of Hopkins county, for money. Referred to the committee on State Affairs.

Mr. Hyde presented the petition of Leslie Combs, for money. Referred to the committee on Public Debt.

Mr. Rains presented the petition of sundry citizens of Upshur county praying the passage of a law, prohibiting the sale of ardent spirits in the town of Pitts, or within three miles thereof. Referred to the committee on State Affairs.

Mr. Hart presented the petition of Martin Gordins, for land. Referred to the committee on Court of Claims.

Mr. Rains presented the petition of sundry citizens of Wood county, for relief. Referred to the committee on Private Land Claims.

Mr. Potter, chairman of the committee on the Judiciary, made the following reports:

The Judiciary committee have considered a bill to be entitled "an act to amend the several acts regulating juries in civil cases," and direct me to return the same to the Senate, and recommend that it do not pass. The bill proposes an entire change in our present laws regulating trial by jury and the committee think the proposed change would not answer any beneficial purpose.

The Judiciary committee have considered a bill to be entitled "an act validating the acts of Agents, done within the scope of their authority, or within the limits of their Agency, after the death of the principal and before notice of such death has reached said agent. And a majority of the committee direct me to return the same to the Senate, and recommend its rejection. The act under consideration proposes to change old and well settled principles of law, which have long been well understood, and this act does not furnish as definite a rule, or one so easily susceptible of proof as that furnished by the existing law.

The Judiciary committee have considered the petition of W. E. Price, and find that he states that in the year 1835, he was the owner of a certain negro slave, in the State of Alabama, that said slave ran away, and the petitioner found him in this State in the year 1856, and petitioner took the negro into his possession, whereupon the negro brought suit for his freedom in the District Court of Polk county. The petitioner does not show what the result of the suit has been, but states that there are other negroes in the county under like circumstances and prays the Legislature to pass an act requiring them to be delivered up to the former owners as slaves. The committee think the courts of the county are the proper tribunals for the settlement of the legal rights of parties situated as the petitioner says he is, and that the Legislation on the subject is unnecessary. The committee therefore direct me to return the petition to the

Senate, and recommend that no further action be taken thereon.

The Judiciary committee have considered a bill to incorporate the Galveston Firemans Relief Fund Association, and direct me to return the same to the Senate, and recommend its passage.

The committee on the Judiciary have considered a bill for the relief of the administrator and heirs of Isaac G. Parker, dec'd, and direct me to return the same to the Senate with a substitute therefor, and recommend the adoption of the substitute, and the passage of the same. The object of the substitute is to provide by a general act for the extension of time for the redemption of lands heretofore sold for taxes and purchase by the State.

The Judiciary committee have considered a bill to be entitled an act for the benefit of Jose Sanchez, a minor. The object of the bill appears to be, to authorize Jose Sanchez, a minor, to make conveyances of lands and rights in the State of Texas, and to confirm any conveyances previously made by him. It appears from the bill that Jose Sanchez is the son of Tomas Sanchez of Matamoras, Mexico. The committee presume that said Jose being a minor is also a resident of Matamoras, and under such circumstances it would not be proper for the Legislature of Texas by special act to undertake to make him of full age or bind him to his contracts. I am therefore directed by the committee to return the bill to the Senate and recommend that it do not pass.

The committee have also considered a bill to be entitled an act for the benefit of the heirs of Tomas Sanchez, deceased, and find that the matter of the bill appears to be connected with the bill above reported on, and as the committee are not advised of any sufficient reason to justify or require the Legislation sought by the bill I am therefore directed to return the bill to the Senate and recommend that it do not pass.

Mr. Guinn, from the committee on Private Land Claims, made the following reports :

The committee on Private Land Claims, to whom was referred the following bills and petitions, have carefully examined them, and find the proof insufficient in all of them and especially some of them alledge too much and do not prove much. The committee think it unnecessary to cite their reasons in full for their action upon them; they ask that this all be rejected to-wit :

“Petition of Horatio V. Philipot, petition of Joseph Massey, petition of Burbry Rileys, petition of John Laramon, petition of James English, petition of J. B. Gorden and John Myers.

A bill for the relief of John Murchinson, assignee of John

Carroll, deceased, the petition of W. B. Green, the following petition of J. H. Davis, agent of Wm. Berry, asking relief in relation to bounty warrant that was not presented to the Commissioner of the Court of Claims, in time, will be provided for in the bill to reorganise the Court of Claims, and will not need any action of this body to give relief.

The committee on Private Land Claims, to whom was referred a bill for the relief of Benjamin Becars, and find the proof sufficient to entitle him to the relief asked for, they report it back and recommend its passage.

Mr. Towns, from the committee on Public Grounds, to whom was referred a bill to make an appropriation for furnishing the Governor's Mansion, reported the bill to the Senate and recommended its passage.

Mr. Hyde, chairman of the committee on Private Land Claims, to whom was referred the petition of the heirs of Wm. Hertz, find that said Hertz served 6 months in the service of Texas, and is entitled to the relief sought, they therefore instruct me to report the accompanying bill and recommend its passage.

A bill for the relief of the heirs of William Hertz. Read 1st time.

The committee on Private Lands, to whom was referred the House bill for the relief of Mary Elam, have fully examined the same and find she is entitled to the relief sought, they therefore instruct me to report the bill back and recommend its passage.

The committee on Private Land Claims, to whom was referred the petitions of Brackell & Heath, J. D. Matthews & Charley Clark, have considered the same and recommend that the same be referred back to the Senate, and be referred to the committee on the Court of Claims.

Mr. Stockdale, chairman of the committee on Enrolled Bills, reported a bill for the relief of Michael K. Hammond correctly enrolled, duly signed and this day presented to the Governor.

Mr. Lott introduced a bill, to amend an act entitled an act to incorporate the Sabine and Rio Grande Railroad Company. Read 1st and 2nd times and referred to the committee on Internal Improvements.

Mr. Fall, chairman of the committee on Engrossed Bills, reported the following bills correctly engrossed.

A bill to amend an act for relief of Nathaniel Prescott, R. S. Wheat, L. G. M. Gaughey, and Eliza Green; passed September 1st, 1856.

A bill to permit Mercer's Colony certificates to be located on any vacant public domain in the State.

A bill to authorize the Commissioner of the General Land Office, to issue patents upon surveys not in the form required by law.

A bill to amend the 2d 5th 8th and 9th sections of an act to authorize the sale of the public domain.

A bill to require field notes of certain surveys in Young Land District to be recorded in the surveyor's office.

A Joint Resolution requesting our Senators and Representatives in Congress to obtain the removal of the Port of Entry for the District of Brazos St. Iago from Point Isabel to Brownsville, and to procure an appropriation for building a Custom House thereat.

A message was received from the House of Representatives informing the Senate that the House had concurred in the amendments of the Senate to the House bills to amend the 4th section of an act allowing discounts and set offs, 5th February, 1840, to a bill to incorporate the Houston Hook and Ladder Company No. 1, and Liberty Fire Company No. 2 of the city of Houston, and to a bill to incorporate the Texas Masonic Institute, and had passed the following bills :

A bill to incorporate the Eastern Texas Railroad Company.

A bill appropriating ten thousand dollars or so much thereof as may be necessary to pay the expenses incurred by Capt. Tobin's company.

A bill to amend Article 955 of the Code of Criminal Procedure.

And a bill making an appropriation to pay the Attorney General and District Attorney's the costs due them under Article 952 d of the Code of Criminal Procedure.

Mr. Stockdale introduced a bill to amend an act to incorporate the Indianola Railroad Company approved 21st January, 1858. Read 1st and 2nd times, and referred to committee on Internal Improvements.

Mr. Grimes introduced a bill to amend the 23rd section of the General Land Law, passed 14th December, 1837. Read 1st and 2nd times and referred to committee on Public Lands.

On motion of Mr. Potter, a bill making an appropriation for furnishing the Governor's Mansion, was taken up, and passed to a 3rd reading, rule suspended bill read 3rd time and passed.

Mr. Walker offered the following Resolution :

Resolved, That the resolution heretofore passed tendering the use and occupation of the Senate Chamber to the public on the 21st inst., for the Inauguration of the Governor and Lieutenant

Governor, (being unnecessary) be and the same is hereby rescinded. Rejected by the following vote :

YEAS.—Messrs. Chambers, Guinn, Hart, Lott, Pitts, Raines, Scarborough, Sims, Walker and Wallace—10.

NAYS.—Messrs. Dickinson, Fall, Gentry, Grimes, Harman, Herbert, Hyde, Martin, Potter, Rainey, Schleicher, Stockdale, Throckmorton, Townes and Whaley—15.

On motion of Mr. Stockdale. Mr. Potter was added to the committee on Internal Improvement.

Mr. Potter introduced a bill to validate the acknowledgement and registration of deeds and other instruments of writing heretofore recorded. Read 1st and 2nd time and referred to Judiciary committee.

Also a bill for the relief of the heirs of Charles Inloes, dec'd., which was read 1st and 2nd times and referred to committee on Private Land Claims.

Mr. Harman introduced a bill granting toll privileges to B. H. Oxford, for building a bridge on South Sulphur. Read 1st and 2nd times, and referred to committee on Roads, Bridges and Ferries.

Mr. Hart introduced a Joint Resolution to authorize and require the Governor to organize the Militia of the State of Texas.

Read 1st and 2nd times and referred to the committee on the Militia.

Mr. Rainey introduced a bill to incorporate the Trinity Valley Railroad Company. Read 1st and 2nd times and referred to the committee on Internal Improvements.

On motion of Mr. Fall a bill to incorporate the Eastern Texas Railroad Company, was taken up. Read 1st and 2nd times and referred to committee on Internal Improvements.

On motion of Mr. Gentry a bill supplemental to an act entitled an act, supplemental to an act entitled an act, to encourage the construction of Railroads in Texas, by donations of land approved January 30, 1854, approved February 16, 1858.

Mr. Potter offered the following amendments :

After "State Engineer" where ever it occurs, insert "or such other persons as the Governor may appoint." Sec. 2. after the word proceed in 8th line "or such other person as the Governor may appoint on the application of any Railroad Company.— Adopted and bill ordered to be engrossed rule, suspended bill read 3rd time and passed.

Mr. Pitts introduced a bill to amend article 411 of Oldham & White's Digest, regulating proceedings in the District Court.—

Read 1st and 2nd times and referred to the committee on the Judiciary.

A message was received from the Governor as follows :

EXECUTIVE OFFICE, December 19, 1859.

Gentlemen of the Senate and

House of Representatives:

I have the honor to communicate herewith the report of the Attorney General :

In making this communication, it is proper to mention that at the instance of the Attorney General, James Willie, Esq., and by virtue of the authority vested in me by the 9th section of an act supplementary to an act to establish a General Land Office, for the Republic of Texas, passed December 22, 1836, I employed Messrs. Oldham & White, attorneys of this place, to assist the Attorney General in the three Empresario cases mentioned in the Attorney General's report, and agreed to pay them the same fees as the Attorney General is by law entitled to receive in the same cases. It will devolve on the Legislature to make the appropriation necessary to defray the expenses of these suits.

H. R. RUNNELS.

The report of the Attorney General was referred to the committee on the Judiciary, and 500 copies ordered to be printed.

The House bills to amend art. 955 of the Code of Criminal Procedure, and making an appropriation to pay the Attorney General and District Attorneys the costs due them under art. 9527 d of the Code of Criminal Procedure, were taken up, and read 1st and 2nd times and severally referred to the committee on the Judiciary.

On motion of Mr. Scarborough a bill (from the House) appropriating ten thousand dollars, or so much thereof as may be necessary to pay the expenses incurred by Capt. Tobin's Company was taken up.

On motion of Mr. Guinn, the report of the committee on Claims and Accounts, on a like bill in the Senate was also taken up. Mr. Scarborough moved to lay the report on the table.

Mr. Hart moved a call of the Senate. The roll having been called and the Senate not being full, Mr. Lott moved to adjourn until to-morrow morning, 1-2 past 10 o'clock. Previous to putting the motion to adjourn, the President of the Senate, Hon. F. R. Lubbock, rose and addressed the Senate as follows :

Gentlemen of the Senate :

To day will close that official connection which has existed between us for the last two years.

Since first I was called to preside over the honorable body, my every aim has been to discharge my duties promptly and impartially. With your generous aid and attention, I have, I trust, succeeded in this, and I am happy to know that my relations have ever been of the kindest character with every Senator upon this floor.

Nothing of a personal nature has ever influenced my conduct as your presiding officer.

My official association with you has been pleasant and instructive, and rest assured Senators, that I shall bear to my home vivid recollections of the many happy days spent in your body, and for the happiness and prosperity of each and every one of you, I shall ever feel a lively interest.

Senators, I bid you adieu.

The President *pro tem* being in the chair, Mr. Hart offered the following resolution :

Resolved, That the Senate tender their cordial and heartfelt thanks to the Hon. F. R. Lubbock, President of the Senate, for the able and impartial manner in which he has discharged the duties of Presiding officer of this body for the last two years.—Which was unanimously adopted.

The question then being taken on the motion to adjourn, was carried.

WEDNESDAY, December 21st, 1859.

Senate met pursuant to adjournment. Prayer by the Chaplain—roll called—quorum present.

The journal of yesterday was read and adopted.

A message was received from the House informing the Senate, that the House had passed a joint resolution, originating in the Senate, instructing our Senators and Representatives in Congress, to use their influence in endeavoring to remove the port of entry from Brazos St. Iago to Brownsville, and to procure an appropriation for building a custom house thereat. Also inviting the Senate within the Hall of the House of Representatives for the purpose of witnessing the inauguration of the Governor and Lieutenant Governor.

The Senate proceeded to the Representative Hall.

IN JOINT SESSION.

A committee was appointed to wait upon the retiring Governor and Governor elect, and inform them that the two Houses of the Legislature were in waiting to receive them, and having performed that duty and reported, the retiring Governor, H. R.